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BEFORE THE

ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)
) No. 11-0323
ALUSIA STUART)
)
)
-VS-)
)
COMMONWEALTH EDISON COMPANY)
)
Complaint as to billing/charges)
in Chicago, Illinois)

Chicago, Illinois

June 28, 2011

Met, pursuant to adjournment, at

1 o'clock p.m.

BEFORE :

MR. ETHAN KIMBREL,
Administrative Law Judge

APPEARANCES :

MS. ALUSIA STUART
155 North Harbor Drive, Unit 1314
Chicago, Illinois 60601
appearing pro se;

MR. MARK L. GOLDSTEIN
3019 Province Circle
Mundelein, Illinois
appearing for Commonwealth
Edison Company

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I N D E X

WITNESSES DIRECT CROSS REDIRECT RECROSS EXMNR.

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E X H I B I T S

COMPLAINANT'S FOR IDENTIFICATION IN EVIDENCE

Nos. 1	8	40
2	8	

COM ED FOR IDENTIFICATION IN EVIDENCE

Nos. 1	8	44
2	8	68
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1 (Whereupon, Com Ed
2 Exhibit Nos. 1 thru 9
3 were marked for
4 identification.)
5 (Whereupon, Complainant's
6 Exhibit Nos. 1 & 2 were
7 marked for
8 identification.)

9 JUDGE KIMBREL: Pursuant to the authority of the
10 Illinois Commerce Commission, I now call Docket No.
11 11-0323, Alusia Stuart vs. Commonwealth Edison
12 Company. This is a complaint as to billing/charges
13 in Chicago, Illinois.

14 Parties please identify themselves,
15 including their names and addresses, please, for the
16 record.

17 MS. STUART: Alusia Stuart, 155 North Harbor
18 Drive, Unit 1314, Chicago, Illinois, 60601.

19 MR. GOLDSTEIN: Commonwealth Edison Company, Mark
20 L. Goldstein, 3019 Province Circle, Mundelein,
21 Illinois, 60060. My phone number is 847-949-1340.
22 With me today is Monica Moreno of Com Ed as well as

1 three Com Ed witnesses.

2 JUDGE KIMBREL: Okay. Well, we were last here on
3 May 17th for an initial status and we weren't able
4 to come to any agreement, so we are here for an
5 evidentiary hearing.

6 Ms. Stuart, you are appearing pro se.
7 That's without an attorney today; is that correct?

8 MS. STUART: Correct.

9 JUDGE KIMBREL: And are you prepared to go
10 forward with your case?

11 MS. STUART: Yes, I am.

12 JUDGE KIMBREL: And you will be testifying?

13 MS. STUART: Yes.

14 JUDGE KIMBREL: If you will please raise your
15 right hand.

16 (Witness sworn.)

17 ALUSIA STUART,
18 called as a witness herein, having been first duly
19 sworn, was examined and testified as follows:

20

21

22

1 EXAMINATION

2 BY

3 JUDGE KIMBREL:

4 Q. Okay. Ms. Stuart, if you could tell me the
5 time frame for your complaint, as well as the amount
6 in controversy, and why exactly we are here. What
7 is your complaint?

8 A. My complaint is that I have been
9 overcharged. The length of time is as yet not
10 known. It could be beyond 2008, reason being there
11 has been multiple meter changes. The meter change
12 in January of 2011 was not the first meter change.

13 That being said, there is a two-year
14 statute of limitations, so I'll just take it to the
15 two-year statute of limitations as my length of
16 time.

17 Q. And what exactly is that period?

18 A. Well, I suppose June 2011 to June 2009.

19 Q. Okay. And how many meter changes were there
20 during that period?

21 A. There was one January of 2011, but there was
22 also a meter change before that, but when that

1 happened is unknown.

2 Q. Before June of 2009?

3 A. Yes, before June 2009.

4 Q. Okay.

5 A. But when, it's just unclear. I asked Bob
6 Koch, the, you know, head guy of the informal
7 complaint process, if he could find out, but he
8 wasn't -- I don't know if he was able to do so or
9 not, but I didn't get any kind of documentation from
10 Ms. Moreno regarding that.

11 Q. So we don't know if there was another meter
12 change between June of '09 and June of 2011. All we
13 are aware of right now is the January 2011?

14 A. That's correct, with the exception that
15 Exhibit No. 7 only shows one meter change.

16 Q. This is the company's.

17 A. Yes, the company's Exhibit No. 7 --

18 Q. Only shows one meter change?

19 A. -- one meter change, and the dates go as far
20 back as June 2008, and the meter --

21 Q. What was the date of the meter change on
22 Com Ed's Exhibit No. 7?

1 A. January 25th -- I'm just actually taking
2 this from memory -- meter change January 7, 2011
3 change meter in reading.

4 Q. Okay. Okay. And what is the amount in
5 controversy for the time period from June 2009 to
6 June 2011?

7 A. The total amount is 700.93. That's broken
8 down --

9 Q. \$700.93?

10 A. Yes.

11 Q. Okay.

12 A. And that's broken down as my payments of
13 \$549.37, plus I'm on an installment plan, so that
14 plan still has owing \$92.02, and then the current
15 bill of \$60 3754 for the current bill usage and \$23
16 for the installment. So adding 549.37, plus
17 92.02.

18 Q. What is the 549.37 figure? What is that?

19 A. Those are just -- I went through my bank
20 records and I saw that those were the payments I
21 made through my bank Chase.

22 Q. For --

1 A. They were bills that I paid.

2 Q. And these were monthly bills?

3 A. Yes.

4 Q. So I'm looking at your Exhibit No. 1 or is
5 it 2?

6 Let's go off the record for a second.

7 (Off the record.)

8 Back on the record.

9 You state that the amount \$549.37 you
10 arrived at that looking at your Exhibit No. 2 from
11 payments that you made in the amount of \$45, 94.30,
12 \$65, \$70, \$60, \$30, \$89.78, and 95.29?

13 A. Yes.

14 Q. What time frame was that?

15 MR. GOLDSTEIN: I think it's 27 -- wait.

16 JUDGE KIMBREL: I'm sorry.

17 MR. GOLDSTEIN: You said --

18 JUDGE KIMBREL: Q. What time frame is that?

19 A. Within the last two years. I just went back
20 as far as my bank allowed me to go back because
21 that's all the proof that I had.

22 Q. So I'm not sure what you are stating as far

1 as what that amount is. You are saying that you
2 were overpaid?

3 A. Yes. I'm saying that I overpaid since
4 August 2009.

5 Q. I'm not quite certain. So the \$45 does that
6 mean that one particular month your bill was \$45
7 and --

8 A. Paid it, yes.

9 Q. -- you shouldn't have had to pay \$45?

10 A. Yes, that's correct.

11 Q. And the same the next month or --

12 A. Yes, that's correct. For each month, I
13 believe my bill was not correct, and I was paying a
14 bill that was not correct because the meter, you
15 know, reading or something wasn't correct.

16 Q. So are you stating that -- like for this
17 month where you paid \$45, are you stating that you
18 shouldn't have had to pay anything that month?

19 A. If I can -- no, I'm not saying that. If the
20 difference can be shown of what a proper reading is
21 and compared to the reading that was, I would like
22 the difference refunded. So whatever the proper

1 reading should have been, then that's what I should
2 have paid.

3 Q. And that's what I need you to show me.

4 A. Oh, that's what you need from me. I can't
5 show you that because all of the paperwork that I
6 asked from Commonwealth Edison Company doesn't show
7 what the meter should have been reading. It shows
8 meter tests. It shows that there was a light load.
9 It shows that it was only 2 percent off maximum, but
10 it doesn't show -- it doesn't adjust for what it
11 should have been.

12 Q. Okay. So you are saying -- you are saying
13 that for the period of June 2009 to June of 2011
14 that the meter was reading incorrectly?

15 A. Correct. Yes.

16 Q. And that includes the meter that was
17 installed in January of 2011? That meter was also
18 reading incorrectly?

19 A. I can't definitively say if it was -- you
20 know, if it is reading incorrectly, because I have
21 nothing to compare it to. When I compare, you know,
22 the meter that was installed after 2011 when I

1 compare that meter to the meter of 2010, 9, and 8,
2 you know, there is a significant difference that,
3 you know, the price is lower. I'm using less
4 kilowatt-hours.

5 Q. Restate that for me what you just said.

6 A. I'm answering the question from June 2009
7 through June 2011 and does that include the meter
8 that was installed January 2011. I'm not sure,
9 because I don't know what to base the meter readings
10 on.

11 So the meter that was installed January
12 2011 what should that -- what is the definitive
13 number or kilowatt-hours that that meter should be
14 reading? I mean, I didn't even -- and the only
15 reason why I put a question mark there is because I
16 requested, via the informal process, that whenever a
17 Commonwealth Edison person comes in while this
18 process is going on that I be notified, and also the
19 building engineer be notified, and that we be
20 present when anything is done, and then all of a
21 sudden Commonwealth Edison June 7th shows up and,
22 you know, the doorman is running helter-skelter

1 looking for myself and looking for the engineer.

2 Q. June 7th of what year?

3 A. 2011.

4 Q. And you are looking at --

5 A. So --

6 Q. You are looking at a Com Ed exhibit?

7 A. Yes.

8 Q. Which exhibit?

9 A. Oh, Exhibit No. 7.

10 Q. And where are you? June?

11 A. Meter change January 2007. It's written in
12 bold.

13 Q. Okay. I see it.

14 A. So, you know, if everything had run
15 swimmingly from beginning to finish, I wouldn't
16 quibble with the meter that was installed January 7,
17 2011, but things didn't run swimmingly. There
18 are just huge question marks in, you know,
19 operations. So, you know, again, I would love to
20 say, yes, I'm sure that that meter is fine, but I'm
21 hesitant, you know, to commit to such a statement.

22 Q. Can you point to me where the fluctuation is

1 in the meter? You are saying when you noticed
2 something was wrong, can you point to something?

3 A. Yes. On June -- excuse me -- August 13,
4 2009 -- this would be Exhibit 1 --

5 Q. Your Exhibit 1?

6 A. My Exhibit 1, yes, and under August -- the
7 month of August --

8 Q. Yes.

9 A. -- there's an August 13 switch.

10 So that's my own terminology, kind of
11 jump start my own brain, but you asked the question
12 when did I start noticing things are not reading
13 correctly.

14 Q. Oh, okay. August '09 --

15 A. Yes.

16 Q. -- right, switch. Okay. I see it. Okay.

17 A. So at that point I made a determined effort
18 to really start monitoring the meter via my own
19 usage.

20 So we turned off, I'd like to say, half
21 the house, but basically we turned off each HVAC
22 unit. There are two as a breaker. We turned both

1 of those off. The dish washer breaker was turned
2 off when not in use, and I use it like every other
3 day. The oven breaker was turned off completely.
4 The breaker for the hallway lights -- entry hallway
5 lights, the breaker for the kitchen lights, and the
6 breaker for electrical outlets on one main wall were
7 all turned off completely. So, I'd like to say,
8 half the house was turned off.

9 Q. And you did this in August of '09?

10 A. That's correct. And the building engineer
11 knows that, because at the same time I asked him to
12 come and, you know, do a test on all of the
13 electrical outlets and light fixtures, and he came
14 with I'm sure it was a little amp machine checking
15 voltage.

16 Q. So once you --

17 A. So I cut everything off.

18 Q. When you turned off half the house, as you
19 say, what -- go ahead.

20 A. I started watching how, you know, the
21 monthly bills and, in my mind, I thought, oh, at
22 least half -- you know, going to have to go down at

1 least 50 percent, but they didn't.

2 Q. Did your bills go down?

3 A. No, they went up, and that was just like the
4 final straw. So looking at October of 2009, so we
5 switched everything off August -- and then September
6 was a screwy bill. Sorry. So, you know, forget
7 that. But the first clear bill would have been
8 October 2009, and that bill usage was 438
9 kilowatt-hours, which was an increase over the
10 previous year of 13 percent.

11 The previous year kilowatt-hours 2008
12 of October was 388, October 2009 kilowatt-hour usage
13 was 438, so half the house is turned off and the
14 bill is more.

15 Q. You had kept, as you say, half the house
16 turned off from August '09 to what period?

17 A. Till today. It still exists. The dish
18 washer is turned on only during usage, and that's
19 like every other day. Sometimes like when the
20 glasses really build-up, then I'll run the dish
21 washer twice, but I have an acquaintance that works
22 at Bloomingdale and they have an induction, you

1 know, cooking plate. It's really neat and it works
2 on electric. So there's -- the cooking element
3 doesn't give off any heat and it cooks very quickly,
4 and blah, blah, blah.

5 So that's for frying, and then a little
6 oven, you know, can cook like chicken, you know, et
7 cetera, et cetera, et cetera, but it's not this huge
8 vast oven. When the oven is not in use -- the
9 little oven is not in use, it's completely unplugged
10 and put into the belly of the big oven. So --

11 Q. Did your bills ever decrease between August
12 '09 and the time the meter was changed in January of
13 2011?

14 A. Yes, they did actually decrease.

15 Q. After the meter was changed or before the
16 meter was changed? Take your time.

17 A. Okay. After the meter was changed, did the
18 bills decrease?

19 Q. I would like -- what I would like to know
20 is --

21 A. Over previous years --

22 Q. You said that you turned off half the house

1 in August '09.

2 A. Yes.

3 Q. Did your bill start to decrease before the
4 meter was changed in January of 2011?

5 A. Yes, it did.

6 Q. When did your bill start to decrease?

7 A. December of '09 there was a 15 percent
8 reduction over December of '08. December of '08
9 kilowatt-hour usage was 1,262. Kilowatt usage
10 December 2009 was 1,082.

11 Q. Okay. And once the meter was changed in
12 January of 2011, did your bills continue to
13 decrease?

14 A. Yes. For the first four months in 2011, the
15 bill continued to decrease. The fourth month was an
16 estimated bill. So estimated bills, I found out
17 from Kita at Commonwealth Edison, are typically
18 higher, and then the next month an adjustment is
19 made.

20 So after the meter was changed in
21 January 2011, five months were lower and the sixth
22 month, June -- oh, shit. The first five months

1 after the meter was changed in 2011, the
2 kilowatt-hour usage was lower.

3 (Phone interruption.)

4 And the sixth month was dramatically
5 lower. So June was 27 percent lower than June of
6 2010, and it was even lower than June 2009 and even
7 lower than June 2008, so I suspect that since the
8 meter was changed, the meter readings are lower.

9 Q. At our prior hearing you had suggested that
10 the meter needed to be changed again. Do you still
11 feel that today?

12 A. Well, 50 percent says no, because it appears
13 that the meter is giving, you know, credible
14 readings, but then what's going to happen the other
15 50 percent say what will happen after the hearing,
16 you know, sort of go up again, you know, will it
17 become schizophrenic again. So, I mean --

18 Q. Why would you think that the meter would be
19 inaccurate after the hearing?

20 A. It's just been, you know, the percentage
21 differences month to month and the inconsecutive
22 years are just erratic and, also, you know, within

1 the same year month after month after month just
2 erratic, sometimes an 85 percent, you know,
3 increase.

4 Q. I think you said that once you turned off
5 half the house in August of '09 you noticed your
6 bills began to decrease in December of '09.

7 A. Only that one month.

8 Q. Only December of '09?

9 A. Yes.

10 Q. What about January 2010? What about --

11 A. Oh, there it is. This is like so confusing.
12 January 2010 it went down over '09. February it
13 went down. March went down. April went down. May
14 went down. June went up. July went up. August,
15 when I made the complaint, it went up. September, a
16 month after the complaint, it went up. October
17 2010, two months after the complaint, the meter
18 reading went up. November, three months after the
19 complaint, the meter reading went down over the
20 previous year by 51 percent. December 2010, the
21 fifth month after the complaint, the meter went down
22 58 percent, then the new meter was put in.

1 Q. And the bills decreased --

2 A. And the --

3 Q. -- from --

4 A. -- previous years on that same month.

5 Q. Okay. So just to recap, you turned off half

6 the house in August of '09. In December '09 you

7 noticed that the bills began to decrease, and they

8 decreased from that point through May of '09, and

9 then the bills started to increase from the prior

10 year from June of 2010 to all the way through

11 October of 2010?

12 A. June. June, July, August, September,

13 October, November -- oh, yes, increase. Yes. Yes.

14 Q. And then in November and December of 2010,

15 the bills decreased from the prior year?

16 A. Yes, that's correct.

17 Q. Okay. And since the meter has been changed,

18 your bills have decreased from the prior years?

19 A. Yes, looks like.

20 Q. Okay. The thing I would like to figure out

21 with you is how you get to this amount in

22 controversy, the \$700 or \$701.93.

1 A. I think I must have just, you know, fixed on
2 two years. That's what Com Edison -- oh, I came to
3 that conclusion because I didn't have a different
4 figure. I didn't have a figure to compare it to.
5 This is what your meter should be reading. This is
6 what it's reading. So, therefore, this is the
7 difference. Failing having that different factor,
8 all I could do was just add up all of the bills. I
9 mean, it could be 45 minus X.

10 Q. But for those looking at your Exhibit 2 --

11 A. Yes, for those --

12 Q. -- for those eight payments, that equals
13 549.37. Those are eight months where those were
14 your full bills?

15 A. Yes.

16 Q. Okay. We don't know what dates those are
17 though.

18 A. No. Actually I just kind of realized that
19 as I sat down that I probably should have written
20 the dates, but Commonwealth Edison has those dates.
21 So on that point I'm not worried, but on the other
22 point for purposes of this proceeding, it would have

1 been nice if I would have put the dates in. I could
2 go -- I have my phone. I could just go to my bank's
3 website and find out.

4 Q. It was --

5 MR. GOLDSTEIN: Judge, I hate to interrupt, but
6 we have an exhibit that indicates the dates of
7 payment.

8 JUDGE KIMBREL: What exhibit is that, Counsel?

9 MR. GOLDSTEIN: It's 6.

10 MS. MORENO: 6.

11 MR. GOLDSTEIN: It's Com Ed's Exhibit 6, account
12 history. Rather than belabor this --

13 THE WITNESS: Yes, they have it. I could quickly
14 fill the dates in.

15 JUDGE KIMBREL: Q. Why don't we go off the
16 record and you take the opportunity to find where
17 these payments match up.

18 (Off the record.)

19 Ms. Stuart, were you able to identify
20 from Com Ed Exhibit 6 the payments that you referred
21 to in your Exhibit No. 2 which equals the amount of
22 549.37.

1 A. Yes, I was.

2 Q. Could you -- from your exhibit, can you

3 state the date where each payment was made referring

4 back to Com Ed Exhibit 6?

5 A. Yes.

6 Q. Okay.

7 A. On November 13, 2009 \$45.

8 MR. GOLDSTEIN: I'm sorry. Could you repeat the

9 date.

10 THE WITNESS: November 13, 2009, \$45.

11 JUDGE KIMBREL: Q. Where is that in Com Ed

12 Exhibit 6? Where do you see that?

13 A. It's here (indicating). There's kind of a

14 column that's almost empty. That's the column.

15 Q. The credit amount column?

16 A. Yes, that's right.

17 MR. GOLDSTEIN: That's the payment amount.

18 THE WITNESS: Yes. Then jumping to April 18 --

19 shoot. Never mind.

20 Then jumping to July 23, 2010, \$65.

21 MR. GOLDSTEIN: What was the date of the 94.30

22 payment?

1 THE WITNESS: The 94 payment is the next payment
2 in my oration, which is August 24, 2010 for 94.30,
3 then the next payment is October 18, 2010 for \$30.
4 The next payment was November 22, 2010 for \$60. The
5 next payment was December 27, 2010 for \$70. The
6 next payment was April 18, 2011 for \$95.29, and,
7 finally, May 16, 2011 for \$89.78. So \$549.37 spans
8 the time beginning November 13, 2009 until May 16,
9 2011.

10 JUDGE KIMBREL: Q. Okay. And you are saying
11 that these amounts were -- were those the amounts of
12 your entire bill for that month, those payments?
13 I'm just trying to understand.

14 A. More than likely, with the exception -- with
15 the exception of the first bill for November 13,
16 2009, I was 99 cents short. The balance were
17 full -- you know, whatever the bill asked for.

18 Q. So what you are telling me though the \$45
19 was your bill for November of '09?

20 A. Oh, no. The bill for '09 was 147 and a
21 balance was brought forward of 9176. So with the
22 exception of the November 13th bill 2009, I believe

1 they were -- oh, for God's sake --

2 Q. What I'm trying to understand what these --

3 what these numbers are and why are you entitled.

4 How did you come to this amount? Why is this amount

5 due to you? That's what I'm trying to understand.

6 A. I came to this amount because that's what I

7 paid, you know, into Commonwealth Edison. And

8 lacking any kilowatt-hour usage comparisons, I

9 can't, you know, say of this money that I paid into

10 Commonwealth Edison this much should be put towards

11 my electric service and the balance should be given

12 back to me.

13 Q. Okay. What were the other amounts that you

14 added to 549.37 to come to the total you believe you

15 are due of 701.93?

16 A. There is a \$92.02 installment amount left

17 on an installment plan, and then my current --

18 Q. What do you mean by "an amount left on an

19 installment?"

20 A. I was put on a 12-month installment plan.

21 So there was a bill, and they chopped it into 12

22 pieces, and then every month I pay one-twelfth of

1 that. So according to the June bill, there is --

2 Q. Of this year?

3 A. Yes, of this year -- there is \$92 left on

4 the installment plan.

5 Q. Okay.

6 A. That comes to four more payments of \$23

7 each.

8 Q. Okay. So 549.37, plus you believe you are

9 entitled to the 92.02 --

10 A. Yes, that's correct.

11 Q. -- from the installment plan?

12 A. Yes.

13 Q. And what else are we adding?

14 A. The June bill has a \$23 portion of the

15 installment plan included in the bill, and so the

16 June bill is \$60.54. Thirty-seven is for kilowatt

17 usage and \$23 is for the installment plan coming up

18 with \$60.54.

19 Q. Okay. So I see. So you have 549.37, then

20 the installment of 92.02. That equals the 641.39,

21 and then the last bill of 60.54 you believe you are

22 entitled to that as well?

1 A. Well, after our conversation that, you know,
2 the bill is going down since the January meter
3 install, you know, maybe not. The answer is, no,
4 I'm not entitled to the current bill. I am not
5 entitled to the current bill because the current
6 bill is from the newly-installed meter and it is
7 going down.

8 Q. Well, given our discussion today during the
9 hearing, has your amount in controversy changed?

10 A. Yes. Given our conversation during this
11 hearing, the amount has changed from 701.93 to 374.
12 That would include the \$45 from November 13, 2009,
13 going down the list, August 24, 2010, July 23, 2010
14 for \$65, December 27, 2010 for \$70, again just going
15 down the list on Exhibit 2, November 22, 2010, \$60;
16 October 18, 2010 of \$30. So if my math is correct,
17 364.30.

18 Q. Okay. You now believe that you are entitled
19 to \$364.70?

20 A. I believe it's 30 cents.

21 Q. Okay. \$364.30.

22 A. Yes, because I am crossing off, going down

1 the list, May 16, 2011 for 89.78 and April 18, 2011
2 for 95.29, reason being these amounts occurred after
3 the meter change January 2011, and, you know,
4 looking at the kilowatt-hours, they do seem to be
5 going down, and I think possibly, you know,
6 a 50 percent chance that the meter is reading
7 correctly. So that's yes.

8 Q. Okay. So if I understand you correctly,
9 from your Exhibit No. 2, you now believe you are
10 entitled to the \$45, the 94.30 payment, the \$65
11 payment, the \$70 payment, the \$60 payment, and the
12 \$30 payment?

13 A. That is correct. The installment plan
14 goes -- will go back 12 months, so one, two, three,
15 four, five, six -- one, two, three, four, five --
16 the installment plan began --

17 Q. Are you including that amount in your new
18 amount?

19 A. I am beginning to do so, because it has
20 occurred to me that the installment plan began
21 before the meter -- new meter install January 2011.
22 According to Commonwealth Edison's bill of June,

1 there are four payments remaining.

2 Q. Okay.

3 A. So, therefore, there were eight that were
4 paid, and the eight that were paid looks like they
5 were paid before the new meter install. So one,
6 two, three, four, five -- so five -- at least five
7 times 23 should be -- I think goes before the new
8 meter install and they should be, you know, included
9 in the reimbursement process.

10 Q. So what amount are we adding to the \$364.30?

11 A. Five months at 23 a month, so that's 115, an
12 additional 115. That's five installment payments,
13 five installment payments made beginning July 23,
14 2010, August 24, 2010, October 18, 2010, November
15 22, 2010, and December 27, 2010.

16 Q. Okay. So --

17 A. So if it's included, then it's -- if it's
18 included, then a second inclusion doesn't have to be
19 made.

20 Q. This is your new amount. I'm just trying to
21 figure out what number you are coming up with.

22 A. Yes. Five installments were paid, and they

1 are part of the bill, so, no.

2 Q. So we are back --

3 A. We are back to 364.30.

4 Q. Okay. At --

5 A. There is, however, the issue of four
6 remaining installments of \$92, and I have -- no. I
7 don't know if that -- I need a moment to consider
8 where those payments or those installment amounts
9 come from. Are they pre-January 2011 or
10 post-January 2011?

11 Q. Okay. Would you like to go off the record
12 for a couple of moments to figure that out?

13 A. Yes, please.

14 Q. Okay.

15 A. Actually, I don't need to. I'm back. I
16 thought it. Now I'm back.

17 Q. So what --

18 A. I apologize.

19 Q. We are still on.

20 A. Apparently I really do owe it, because it's
21 not included in the payments made.

22 Q. Okay. So your new amount of controversy is

1 \$364.30?

2 A. Yes, that is correct.

3 JUDGE KIMBREL: At this point I don't have any
4 further questions and I'm going to turn you over to
5 counsel for Com Ed.

6 MS. STUART: You are turning me over to --

7 JUDGE KIMBREL: He's actually going to get an
8 opportunity to ask you questions. I'm sorry.

9 MS. STUART: Oh, you are turning me over.

10 MR. GOLDSTEIN: I may have a question.

11 JUDGE KIMBREL: I spoke too loosely. I
12 apologize. Counsel has an opportunity to ask you
13 some questions today.

14 MR. GOLDSTEIN: I may have a question or two,
15 Judge.

16 CROSS EXAMINATION

17 BY

18 MR. GOLDSTEIN:

19 Q. Ms. Stuart, do you have any of your bills
20 with you --

21 A. Yes.

22 Q. -- just looking at any of the bills that you

1 may have with you, just one bill?

2 A. Uh-huh.

3 Q. Any one bill.

4 A. Okay.

5 Q. You understand, do you not, that your bills
6 are made up not only of the electric usage that is
7 flowing through your meter but also the delivery
8 charges, and taxes, and so on, and so forth? You do
9 understand that, do you not?

10 A. Yes, I do understand that.

11 Q. And your amount in controversy, therefore,
12 should also take into account the cost of Com Ed
13 delivering any electricity to your residence, should
14 it not?

15 A. Could you repeat that question, please.

16 MR. GOLDSTEIN: Read it back, please.

17 (Whereupon, question
18 was read.)

19 THE WITNESS: Well, Commonwealth Edison doesn't
20 procure the electricity. You actually do supply it.
21 That's your job. You supply the electricity. You
22 supply the equipment. You do everything so that I

1 can just walk into my home and plug in a toaster and
2 there I am.

3 MR. GOLDSTEIN: I have nothing else.

4 JUDGE KIMBREL: Okay. Ms. Stuart, would you like
5 to move your exhibits into evidence?

6 MS. STUART: Yes. How do I do that?

7 MR. GOLDSTEIN: You just did.

8 MS. STUART: Pardon?

9 MR. GOLDSTEIN: You just did it.

10 MS. STUART: Oh, I see. Okay.

11 JUDGE KIMBREL: Counsel, do you have any
12 objections to the admission of Complainant's Exhibit
13 Nos. 1 and 2?

14 MR. GOLDSTEIN: With respect to No. 2, Judge, the
15 numbers there are just all mish-mash and it's
16 impossible to follow. It's a meaningless exhibit.
17 It shows 701.93. It's just absolutely totally
18 incorrect. Whatever oral testimony is, irrespective
19 to what she produced, is due her is part of the
20 record. This is a meaningless exhibit. It has no
21 probative value at all. All it does show is some
22 payments, and why other payments are not included,

1 why she added in future payments that had to be
2 made. It's just a mishmash. It has no probative
3 value at all. So I object to No. 2.

4 With respect to No. 1, there again
5 usage is usage. I don't know what probative value
6 Complainant's Exhibit 1 has other than shows usage
7 and some differentials between several months.
8 That's based on a person's usage as measured by
9 Ms. Stuart's electric meter. I guess I have no
10 objection to that one.

11 JUDGE KIMBREL: Would you like to say something
12 in response?

13 MS. STUART: To what he said?

14 JUDGE KIMBREL: What counsel objected.

15 MS. STUART: That's fine. I agree with him
16 probably, you know, since I verbally on record
17 amended Exhibit 2, what previously was Exhibit 2 is
18 no longer germane.

19 JUDGE KIMBREL: Okay. That being the case --

20 THE WITNESS: Would you like the amended exhibit?

21 JUDGE KIMBREL: No, I actually took notes on what
22 you marked as Exhibit 2.

1 MS. STUART: Thank you.

2 JUDGE KIMBREL: So thank you.

3 Counsel, what were you going to say.

4 MR. GOLDSTEIN: I'm ready to proceed --

5 JUDGE KIMBREL: Yes, sure.

6 MR. GOLDSTEIN: -- with my case.

7 JUDGE KIMBREL: Just give me a second.

8 (A brief pause.)

9 Okay. Since counsel had no objection

10 to Complainant's Exhibit No. 1, I now ask the court

11 reporter to enter that into the record without

12 objection.

13 (Whereupon, Complainant's

14 Exhibit No. 1 was

15 received in evidence.)

16 Counsel.

17 MR. GOLDSTEIN: I would like to call my first

18 witness. It's Milton McKinney.

19 You need to be sworn by the judge.

20 MR. MCKINNEY: Yes.

21 (Witness sworn.)

22 Thank you.

1 MILTON McKINNEY,
2 called as a witness herein, having been first duly
3 sworn, was examined and testified as follows:

4 DIRECT EXAMINATION

5 BY

6 MR. GOLDSTEIN:

7 Q. Mr. McKinney, please state your name for the
8 record and spell your last name.

9 A. Milton McKinney, M-c-K-i-n-n-e-y.

10 Q. And by whom are you employed and in what
11 capacity?

12 A. I'm employed by Com Ed as a senior energy
13 tech.

14 Q. How long have you been employed by Com Ed?

15 A. Since July 17; 20 years.

16 Q. How long have you been in your present
17 position as a senior energy tech?

18 A. Senior energy tech I have been in this
19 position for about a year and a half.

20 Q. And please describe what your duties are as
21 a senior energy tech.

22 A. My job is to check the meter out, install,

1 remove meters, exchange meters, cut service, restore
2 service.

3 Q. Do you also test meters?

4 A. Yes, test meters, too.

5 Q. And how did you become familiar with the
6 electric meter that serve Ms. Stuart's account?

7 A. I was requested to go out to Ms. Stuart's
8 address December 28, 2010 to test her electric meter
9 for accuracy.

10 Q. And how did you go about testing the
11 electric meter?

12 A. The meter was located in a small room
13 closet, verified first by the meter number before
14 working on the order.

15 Q. And let me show you what's been marked as
16 Com Ed Exhibit 1, Mr. McKinney. And the results of
17 your testing the meter are shown on that exhibit,
18 are they not?

19 A. Yes.

20 Q. And after you tested the meter, did you come
21 back on a subsequent date to exchange the meter?

22 A. Yes.

1 Q. And what was that date?

2 A. I believe January 3, 2011 -- January 7,
3 2011.

4 Q. And what did you do with the meter when you
5 exchanged it?

6 A. I took it back to the office and put it in a
7 lock box case that we use to be sent out to
8 Oak Brook.

9 Q. And it was going to be sent out to Oak Brook
10 for --

11 A. Meter test.

12 Q. -- a shop test?

13 A. A shop test, yes.

14 MR. GOLDSTEIN: I have nothing else of the
15 witness, move into evidence Com Ed Exhibit 1.

16 JUDGE KIMBREL: Ms. Stuart, do you have any
17 objection to admission of Com Ed Exhibit No. 1?

18 MS. STUART: No objection whatsoever.

19 JUDGE KIMBREL: That being the case, I'll ask the
20 court reporter to enter Com Ed Exhibit No. 1 into
21 the record without objection.

22

1 (Whereupon, Com Ed
2 Exhibit No. 1 was
3 received in evidence.)
4 Ms. Stuart, do you have any questions
5 for Mr. McKinney.
6 MS. STUART: Yes.
7 CROSS EXAMINATION
8 BY
9 MS. STUART:
10 Q. Mr. McKinney, do you recognize that I was
11 there that day that you came to do the original
12 meter test December 28th?
13 A. Yes, ma'am.
14 Q. What happened?
15 MS. MORENO: Objection.
16 MR. GOLDSTEIN: What do you mean "what happened?"
17 Could you specify?
18 MS. STUART: Okay.
19 MR. GOLDSTEIN: Ask a real question.
20 MS. STUART: Q. Okay. You walked into the
21 building. Did you go directly to the meter room or
22 were you asked to wait for the building engineer?

1 A. I was assisted by the building engineer.

2 Q. So then the building engineer came and
3 knocked on my door and then that's when the meter
4 door for my floor was opened. In other words, you
5 didn't enter the meter room until I was present.

6 A. Correct.

7 Q. Okay. And what prevented you from entering
8 the meter room? Normally Com Ed just walks into the
9 meter room. What was so different that day? Why
10 didn't you just walk in?

11 A. We wanted to let you know before your
12 service went down.

13 Q. Okay. You, as Commonwealth Edison, or the
14 building engineer?

15 A. Both.

16 Q. Okay. So then I turned off all of my
17 breakers and you told us that you were going to do a
18 meter test --

19 A. Yes.

20 Q. -- to see if the -- you know, if it's
21 running -- rotating, the spindles are rotating
22 correctly.

1 A. Uh-huh.

2 Q. Did you bring all of your testing equipment
3 with you?

4 A. When I came to the stop, yes, I did, but
5 then I realized I was missing a part, so I went back
6 to go get it.

7 Q. Okay. So counsel asked you what your job is
8 at Commonwealth Edison and you said that, you know,
9 you install meters. You test meters. You replace
10 meters. So pretty much meters are your business.

11 A. Uh-huh.

12 Q. How is it that you came to run a test but
13 you left half your equipment someplace else?

14 MR. GOLDSTEIN: Objection. That's not his
15 testimony.

16 JUDGE KIMBREL: Not only that, Ms. Stuart, I
17 definitely want to give you the liberty to ask
18 Mr. McKinney the questions you want to ask, but I'm
19 not entirely sure where you are going with this.

20 MR. GOLDSTEIN: I will also state -- I'm sorry.

21 JUDGE KIMBREL: You state that once the meter was
22 changed in January of 2011 that the bills continued

1 to decrease, so I'm not really sure --

2 MS. STUART: Right. But Mr. McKinney first came
3 out to run a field test December 28th and
4 actually --

5 MR. GOLDSTEIN: Judge, may I make one further
6 objection. My objection is also that her
7 examination is outside the scope of my examination
8 of the witness.

9 JUDGE KIMBREL: Do you understand --

10 MS. STUART: Yes, I understand --

11 JUDGE KIMBREL: -- what counsel --

12 MS. STUART: -- his objection. But the point
13 that I'm trying to make is that, you know,
14 Mr. McKinney didn't arrive with all of his
15 equipment. He was there to do a job, and he asked
16 us to leave the room because the meter is going to
17 blow up, and -- you know, while he's conducting the
18 test. Again, it just doesn't -- their operations
19 don't really sit very well with me.

20 If Mr. McKinney had arrived and said,
21 you know, immediately upon opening his black box
22 that, oh, wow, I left -- you know, it's a two-part

1 apparatus to test the meter -- oh, well, I left it,
2 you know, in a car, at home, or whatever, guys, I'm
3 sorry, I would have to come back, that would have
4 played a little bit better, but he wasn't very
5 straightforward. For 15 minutes he kept digging in
6 his bag looking for equipment that should have been
7 there.

8 MR. GOLDSTEIN: I'm going to object. Not only is
9 it just a statement of Ms. Stuart, but it's totally
10 irrelevant.

11 JUDGE KIMBREL: Yes, I agree, Counsel.

12 Do you have any further questions,
13 Ms. Stuart --

14 MS. STUART: Yes.

15 JUDGE KIMBREL: -- for Mr. McKinney?

16 MS. STUART: Yes.

17 MS. STUART: Q. When you were conducting the
18 meter test, did the building engineer help you or
19 did you just do it all on your own?

20 A. I did it all on my own.

21 Q. The building engineer didn't help hold the
22 meter steady because you took the housing off and

1 the meter --

2 A. He didn't touch the meter.

3 Q. That's not true.

4 A. The only thing he touched was the cabinet,
5 because the cabinet was awkward to put on. It has
6 four screws in each corner.

7 Q. He held the meter level so that you could
8 run it?

9 MR. GOLDSTEIN: I object. It's argumentative,
10 Judge.

11 JUDGE KIMBREL: Ms. Stuart, I am just not sure
12 where you are going with this given the fact that
13 your bills began to decrease once the meter was
14 changed, and you basically state that.

15 MS. STUART: Okay. Okay. But this was before
16 the meter was changed, and they're stating --

17 JUDGE KIMBREL: Like two weeks before? A week
18 before? Seven days before?

19 MS. STUART: Actually, yes. And they're saying
20 that the meter test that Mr. McKinney took and then
21 also the bench test showed that there was a light
22 load on the meter causing the meter to run slowly.

1 And I would just like to know, you know, perhaps was
2 it the handling of the meter when, you know, the
3 meter test was being conducted? Could that have,
4 you know, done anything, because it was so low?

5 Mr. McKinney, did you have a difficult
6 time putting, first of all, the suckers, and then
7 reading onto the meter, and then reading whatever
8 the read out said and holding still? I mean, there
9 was just a lot of acrobatics involved.

10 JUDGE KIMBREL: I'm not sure exactly what your
11 point is.

12 MS. STUART: Well, maybe when he's handling it
13 something happened to the meter and it was broken
14 that way caused the light load.

15 JUDGE KIMBREL: This was in December?

16 MS. STUART: Yes, of 2008 when Mr. McKinney came.

17 JUDGE KIMBREL: 2008.

18 MS. STUART: December 28, 2010 when the field
19 test was conducted by Mr. McKinney.

20 JUDGE KIMBREL: The only problem I really have
21 with this whole line of questioning is that you
22 stated that your bill started to go down and in

1 November of 2010, December of 2010, and continued
2 once the meter was changed. So I'm not really sure
3 how this is relevant.

4 MR. GOLDSTEIN: In any event, Judge --

5 MS. STUART: No, the bills started going down
6 January 2011. The bill did go down November 2010.

7 JUDGE KIMBREL: And December 2010 --

8 MS. STUART: No. The kilowatt --

9 MR. GOLDSTEIN: May I interrupt something.

10 MS. STUART: I'm sorry.

11 JUDGE KIMBREL: Go ahead, Counsel. Go ahead.

12 MR. GOLDSTEIN: We have another witness with
13 respect to the meter test. We have the meter in the
14 hearing room, and, you know -- so, you know, any
15 conjecture on the part of Ms. Stuart with respect to
16 the condition of the meter, and so on and so forth,
17 can well be answered by another witness.

18 JUDGE KIMBREL: Okay.

19 MS. STUART: Also, Judge, when I said the bills
20 went down, I meant the kilowatt-usage. Is that the
21 same thing? Yes, it is obviously the same thing.

22 Okay.

1 JUDGE KIMBREL: Given what counsel stated, do you
2 have any further questions for Mr. McKinney?

3 MS. STUART: No. No, I don't.

4 JUDGE KIMBREL: Okay. Thank you for your time,
5 Mr. McKinney.

6 THE WITNESS: Thank you, sir.

7 MR. GOLDSTEIN: I have nothing else of the
8 witness, Judge. Thank you, Mr. McKinney.

9 MS. MERINO: Thank you.

10 MR. GOLDSTEIN: I would like to call my next
11 witness, Judge, if I may. It's Thomas Rumsey.

12 JUDGE KIMBREL: Hi, sir.

13 (Witness sworn.)

14 Okay. Thank you, sir.

15 Proceed.

16 THOMAS RUMSEY, JR.,
17 called as a witness herein, having been first duly
18 sworn, was examined and testified as follows:

19 DIRECT EXAMINATION

20 BY

21 MR. GOLDSTEIN:

22 Q. Mr. Rumsey, state your full name for the

1 record and spell your last name.

2 A. Thomas Rumsey, Jr. That's R-u-m-s-e-y.

3 Q. And by whom are you employed and in what
4 capacity?

5 A. I work for Commonwealth Edison as a meter
6 mechanic special.

7 Q. And how long have you been employed by
8 Com Ed and how long have you been in your present
9 position?

10 A. I've been working for Com Ed for 32 years
11 and I have been in my current position for 21, since
12 December or since January of 1990, so 21.

13 Q. And please describe some of the other jobs
14 that you have had at Com Ed with respect to meter
15 reading.

16 A. I read meters for five years, 9 month, and
17 then I went into the system meter department, which
18 is where I am currently at, on July 1st of 1985 as a
19 junior mechanic. I worked my way up to special
20 mechanic from 1990 to the present.

21 Q. During the course of your employment,
22 Mr. Rumsey, with Com Ed, could you generally

1 describe what experience you have had in testing
2 electric meters?

3 A. Well, the last ten years or so I have
4 analyzed probably in excess of 60,000 meters for
5 tampering and cases like this. I have also tested
6 metering transformers. I have built meter
7 transformer clusters. I've been involved in ICC
8 audits. I have advised Com Ed on meter designs and
9 their capabilities, what they're able to do, what
10 they're not able to do -- I'm trying to think -- and
11 probably a lot of other stuff that I have left out
12 as safety chairman.

13 Q. With respect to Ms. Alusia Stuart's
14 complaint, do you have access to Com Ed's books, and
15 records, and the account of Ms. Stuart that's
16 relevant to your position at Com Ed?

17 A. Yes.

18 Q. And do you also have access to the -- access
19 to the meter of Ms. Stuart at her address --

20 A. I have.

21 Q. -- access to the records of her meter? I'm
22 sorry.

1 A. Yes, I have at her address.

2 Q. How did you become familiar with the meter
3 that recorded the electric usage for Ms. Stuart's
4 account?

5 A. Well, the meter we are talking about is
6 Meter No. 140374573, and it was delivered to me and
7 I tested it on March 3rd of 2011.

8 Q. And how did you go about testing the
9 accuracy of that meter?

10 A. Well, initially I pull up the paperwork. I
11 pull up where this meter came from and get some
12 information, and then I do an inspection of the
13 meter itself, and I noticed that the manufacturer's
14 seal is still in tact. So I knew that nobody had
15 been inside this meter to do anything to it since it
16 had been manufactured, and then I place it in a test
17 port after I have inspected it and I run essentially
18 the same test as the field person did.

19 Q. And is there a difference between the field
20 test that Mr. McKinney performed and the shop test,
21 as I'll describe it, that you performed?

22 A. Well, essentially the major difference is

1 when a field test is done, when the tech goes out to
2 do a test, the meter is already energized, so they
3 have to remove the meter from an energized fitting.
4 They need to wear a certain protective clothing. At
5 that point while the meter is still in the fitting,
6 they have no idea what's behind the meter.

7 For example, if, your Honor's familiar
8 with what a fitting looks like, you have got two
9 jaws at the top where they're hot wired, then the
10 electric flows through the meter into the two jaws
11 that go into the customer, so the meter acts as a
12 jumper.

13 What the tech doesn't know before he
14 pulls that meter out is whether those two jaws at
15 the top of the fittings are secured properly. So if
16 when he pulls that meter out, there's a chance that
17 one of those, if they're broken, could fall, touch
18 the ground, touch another face, and you end up with
19 a blast. There is a reason for protective equipment
20 and it's the reason also why people are asked to
21 stand back.

22 In my case, in a shop test, the meter

1 comes to me just in hand, so it's not energized and
2 there's no such problem.

3 Q. Now you have the meter with you today, do
4 you not?

5 A. Yes, I do. Absolutely.

6 Q. Show us the meter. Now you said that the
7 meter came to you in tact.

8 A. Yes.

9 Q. Could you show us on what basis you make
10 that assertion?

11 A. The manufacturer seals the cover to the base
12 with this seal right here (indicating).

13 MS. STUART: I can see it. Thank you.

14 THE WITNESS: It's stamped EE which is this
15 manufacturer, Ester Electric.

16 JUDGE KIMBREL: I will come up.

17 THE WITNESS: I was expecting to have to walk to
18 you.

19 JUDGE KIMBREL: Sit down.

20 THE WITNESS: This is the seal that seals the
21 cover, and there's the stamp. So that's how I know
22 nobody's been inside this thing.

1 JUDGE KIMBREL: Okay.

2 THE WITNESS: All right. I inspected this to
3 make sure. The electricity I was talking about
4 flows from our side through the meter, gets
5 measured, and flows out to the customer. The jaws
6 that these fit into, this is what we are most
7 concerned about out in the field.

8 When we pull this thing out, we pull it
9 out top side first so that we de-energize the meter
10 completely, but what we are concerned about those
11 two jaws that these plug into being secured.

12 JUDGE KIMBREL: Okay.

13 THE WITNESS: That's the reason why they wear the
14 protective gear and why customers are asked to stand
15 back because, otherwise, you could get a blast.

16 JUDGE KIMBREL: Okay.

17 MR. GOLDSTEIN: Q. Let me show you, Mr. Rumsey,
18 what has been marked as Com Ed Exhibit No. 2. Is
19 this meter test that you performed on Ms. Stuart's
20 meter?

21 A. Yes.

22 Q. And could you describe for the record what

1 you did and what the results are with respect to
2 that meter test?

3 A. Well, I noted that the meter was shipped to
4 us in a locked -- it's a yellow basket as opposed to
5 a silver basket that they use for other meters.
6 That's why I call -- the yellow basket has a top on
7 it that closes. Essentially it's a milk crate that
8 holds four meters, and it's got a lid on top of it,
9 and there's a barrel lock that goes into that lid.
10 So I noted the fact that it was shipped to me in one
11 of those baskets.

12 I also noted that when the meter
13 arrived, it wasn't on the pallet it was assigned to.
14 So that's why I was having a hard time finding this
15 meter. It turns out the person who shipped it put
16 it on a different pallet than the one I was
17 expecting to see, but we found the meter.

18 I wrote down here a 10/52 (sic) test
19 was conducted. What I mean by that, it tested full
20 load with 10 disk resolutions, power factor with
21 five disk resolutions, and a light load with two
22 disk resolutions. That's what a 5/10 test 2 means.

1 If you need me, I can explain to you the difference
2 between those three tests.

3 Q. In any event, you tested the meter?

4 A. Yes.

5 Q. And what were the results of your shop meter
6 test?

7 A. Okay. Well, I tested two 10/52 tests and
8 averaged them together, and then I used the ICC
9 formula to calculate weighted average, and that
10 formula is four times full load, plus light load. I
11 take that sum and I divide it by 5, and that's how I
12 get weighted average, and that comes up from the
13 ICC's mandate, and I came up with 99.24 percent
14 accurate.

15 Q. And is that test result within the Illinois
16 Commerce Commission guidelines?

17 A. Yes.

18 Q. And the field test measures somewhat
19 differently than your shop test. Could you explain
20 why there was a difference?

21 A. Well, it's hard for me to say exactly.
22 However, having listened to the questions to

1 Mr. McKinney, I think I can come up with an educated
2 guess. Although since I was not there, I cannot a
3 hundred percent tell you.

4 If the meter was, in fact, not leveled,
5 it could have slowed the disk rotation for the first
6 test. Another indication that I have -- another
7 possibility that I have is -- I thought I heard
8 Ms. Stuart say that he was using suction cups. Did
9 I hear you say that?

10 MS. STUART: Right.

11 THE WITNESS: So what that is is a sensor that
12 senses the black mark on the disk every time it
13 comes.

14 All right. The test results that I saw
15 from the field test were on 99 percent. When you do
16 a 10/52 test, the first test has 10 revolutions, so
17 each one of those revolutions is 10 percent of the
18 full test. It's possible that that sensor missed
19 one of those revolutions, because that would make
20 about 9 percent or 10 percent difference, and the
21 difference that I see here is his first test ran at
22 91 percent and the rest of them ran at 99 point

1 something, so either one of those two factors, from
2 where I sit, are possible why his test was slower
3 than mine. My tests are conducted more
4 laboratory-type conditions.

5 MR. GOLDSTEIN: Q. And let me show you what's
6 been marked as Com Ed Exhibit No. 3. Did you also
7 check for foreign load? Was there a check for
8 foreign load? I'm sorry.

9 A. Yes.

10 Q. Where did you ascertain that information?

11 A. There is in the customer information -- I
12 can't remember what it stands for --

13 MS. MERINO: SIMS.

14 THE WITNESS: SIMS. When you look up a
15 customer's account, there's comments in there, and
16 in the comments it shows that the meter -- that
17 there was a foreign load test done and that there
18 was no foreign load tested.

19 MR. GOLDSTEIN: Q. And that's Exhibit No. 3 is a
20 part of the company's books and records and it's
21 kept in the ordinary course of Com Ed's business, is
22 it not?

1 A. Yes, it is.

2 Q. Let me now show you what has -- oh, by the
3 way, the meter that ends in 573 --

4 A. Yes.

5 Q. -- which is the meter you have in front of
6 you on the desk here, that meter was replaced, was
7 it not?

8 A. Yes.

9 Q. It was replaced by a meter that ends in
10 number 694; is that right?

11 A. That's correct.

12 Q. Let me show you what had been marked as
13 Com Ed Exhibit No. 4. This is another SIMS screen
14 print; is it not?

15 A. Yes, it is.

16 Q. And this is a screen print that shows what?

17 A. This shows that the meter was exchanged --
18 that this meter was exchanged on January 7, 2011,
19 and that the meter was sent back to be shop tested
20 basically.

21 Q. And this is another SIMS record kept in the
22 ordinary course of Com Ed's business and is a

1 business record of the company?

2 A. Yes. Yes, it is.

3 Q. Let me show you now what is -- let me show
4 you what's been marked as Com Ed Exhibit 6 -- I'm
5 sorry -- 5.

6 JUDGE KIMBREL: Counsel, before you move on --

7 MR. GOLDSTEIN: Yes.

8 JUDGE KIMBREL: -- can you identify for me the
9 customer name in your Exhibits 3 and 4?

10 MR. GOLDSTEIN: The customer name is Barbara
11 Szulinski, and I guess Ms. Stuart could speak to
12 that I believe.

13 If I recall, I think from the status
14 hearing Ms. Szulinski is your mother.

15 MS. STUART: Mother, yeah.

16 MR. GOLDSTEIN: And we'll get to the fact that
17 there are two names on this account, Ms. Szulinski
18 and Ms. Stuart.

19 JUDGE KIMBREL: Okay. Thank you.

20 MR. GOLDSTEIN: Q. Let's go to Exhibit No. 5.
21 Mr. Rumsey. Could you describe what is shown on
22 that exhibit?

1 A. This is a screen print from our meter
2 testing database. This is the screen print for the
3 meter that replaced 573. What it shows is that the
4 meter was purchased by Com Ed on November 12, 2010
5 and that it was tested by the manufacturer on
6 November 4, 2010, and these are the test results at
7 99.5, 99.68, 99.98.

8 Q. That was the meter that replaced the meter
9 that you tested; is that correct?

10 A. Yes. It's the meter that's there now,
11 right.

12 Q. And that meter's still in place serving
13 Ms. Stuart's account at present?

14 A. As far as I know, I haven't seen that the
15 meter has been changed since January of 2011, so I
16 assume so, yes.

17 Q. And this again is another screen print from
18 the company's books and records kept in the ordinary
19 course of Com Ed's business, is it not?

20 A. Yes, it is.

21 Q. Let me show you what's been marked as Com Ed
22 Exhibit No. 9. This is something that's also taken

1 from the company's books and records, is it not?

2 A. Yes, it is.

3 Q. And it's kept in the ordinary course of
4 Com Ed's business?

5 A. Yes, it is.

6 Q. Would you describe what is shown on Com Ed
7 Exhibit 9. I'll provide copies.

8 A. What this is is it's an install history. So
9 what we do is we go into the database and we create
10 the database, and in this case we put in this meter
11 number, so we wanted to find out where this meter
12 had been, its history. The meter that I hear on the
13 table was installed on the account listed here on
14 August 18, 2004 and was removed on January 7, 2011,
15 and it gives the customer's name and the address.

16 Q. And going back to the new meter that was
17 installed, was that meter tested before it was
18 placed in Ms. Stuart's -- at Ms. Stuart's residence?

19 A. It was tested by the manufacturer, yes.

20 Q. And it was tested within the Commission's
21 guidelines?

22 A. Yes. There's even a spot here that says

1 limits on it.

2 Q. And with respect to the old meter that was
3 removed that you tested and the new meter that was
4 placed in service, am I correct that both meters
5 tested within the Illinois Commerce Commission test
6 guidelines?

7 A. Yes.

8 Q. Is there anything else you would like to add
9 to your testimony?

10 A. I don't think -- I don't think so.

11 MR. GOLDSTEIN: I move into evidence Com Ed
12 Exhibits 2, 3, 4, 5, and 9.

13 JUDGE KIMBREL: Ms. Stuart, do you have any
14 objections to the admission of Com Ed Exhibits 2, 3,
15 4, 5, and 9?

16 MS. STUART: None.

17 JUDGE KIMBREL: Okay. That being the case, I'll
18 now ask the court reporter to enter Com Ed Exhibits
19 2, 3, 4, 5, and 9 into the record without objection.

20

21

22

1 (Whereupon, Com Ed
2 Exhibit Nos. 2, 3, 4, 5 &
3 9 were received in
4 evidence.)

5 JUDGE KIMBREL: Ms. Stuart, do you have any
6 questions for Mr. Rumsey?

7 MS. STUART: Yes.

8 CROSS EXAMINATION

9 BY

10 MS. STUART:

11 Q. When the meter was changed January 7, you
12 have it in your SIMS screen print that --

13 JUDGE KIMBREL: What exhibit is that?

14 MS. STUART: I don't think that's Exhibit 6.

15 MR. GOLDSTEIN: Exhibit 6?

16 MS. STUART: Exhibit 4. I'm sorry.

17 MR. GOLDSTEIN: We went 2, 3, 4, 5, and 9.

18 Exhibit 4 is what you are talking about, Ms. Stuart?

19 MS. STUART: I'm actually looking at Exhibit 4,
20 but I'm also looking at documents that were sent to
21 me by Ms. Moreno March 23rd, and it has the number 6
22 circled, but it looks like it's the same thing. But

1 anyway, January 7 --

2 THE WITNESS: This one I have. I don't know what

3 you have there.

4 MS. STUART: Q. This was sent to me by

5 Ms. Moreno.

6 THE WITNESS: May I look?

7 MS. STUART: Yes. It's the same thing, but it

8 just doesn't scroll up to --

9 THE WITNESS: Oh, I see. Okay. I got you. I

10 just saw this higher and this lower.

11 MS. STUART: I know. Me, too. And I kind of --

12 THE WITNESS: This is yours.

13 MS. STUART: Q. Thank you. So just, you know,

14 really briefly you mentioned that January 7th the

15 meter was changed and then it was sent to you --

16 A. Correct.

17 Q. -- for bench testing --

18 A. Okay. Yes. Shop testing, but bench testing

19 is acceptable --

20 Q. -- or shop testing.

21 A. -- to me.

22 Q. So, you know, obviously, I'm not here to

1 pick at bones, but I'm having a hard time figuring
2 out where the picking of the bone is and where an
3 actual question is.

4 The thing is when you say that the
5 meter -- were you expecting it January 7th or are
6 you just saying that, you know, the meter was
7 changed January 7th, and so just sort of conclude?
8 Because according to Commonwealth Edison, the bench
9 test was re-requested February 23rd, and then
10 actually performed March 3rd. So it wasn't -- so it
11 was taken out January 7th. You weren't expecting it
12 by January 8th or something.

13 A. No. No. No.

14 Q. Oh, okay.

15 A. No. No, but at some point -- at some point
16 I was asked to watch for this meter, which is why I
17 indicated on my report that it wasn't on the pallet
18 I expected it to be on.

19 Q. You mentioned that at some point. Could
20 that some point have been February 23rd?

21 A. If I said yes, it would be a guess.

22 Q. Yes. But it wasn't like January?

1 JUDGE KIMBREL: Thank you.

2 KITA DORSEY,

3 called as a witness herein, having been first duly

4 sworn, was examined and testified as follows:

5 DIRECT EXAMINATION

6 BY

7 MR. GOLDSTEIN:

8 Q. Ms. Dorsey, please state your name and spell

9 your name for the record.

10 A. Kita Dorsey. K-i-t-a first name, last name

11 D - as in David - o-r-s- as in Sam - e-y.

12 Q. And you are also employed by Com Ed, are you

13 not?

14 A. Yes.

15 Q. And in what capacity?

16 A. I'm in the customer relations department as

17 a business analyst.

18 Q. And how long have you been employed by

19 Com Ed?

20 A. Thirteen years.

21 Q. And how long have you been in customer

22 relations?

1 A. Six years.

2 Q. Please describe your duties in customer
3 relations?

4 A. I handle customer complaints and inquiries.

5 Q. And how did you become familiar with the
6 account of Alusia Stuart?

7 A. I had an ICC informal complaint sent over
8 October 15th of 2010.

9 Q. And in order to perform your duties, do you
10 have access to the account record of Ms. Stuart?

11 A. Yes.

12 Q. Do you have access to all of her accounts
13 with respect to her service particularly at
14 155 North Harbor Drive?

15 A. Yes.

16 Q. Am I correct that you are sponsoring three
17 exhibits, Exhibits 6, 7, and 8?

18 A. Yes.

19 Q. And am I also correct that with respect to
20 these exhibits they're taken from the company's
21 books and records and that those records are kept in
22 the ordinary course of Com Ed's business?

1 A. Yes.

2 Q. Let's now turn to what has been marked as
3 Com Ed Exhibit 6. It's entitled, "Com Ed Account
4 Activity Statement." Do you see that?

5 A. Yes.

6 Q. Please explain, starting with the names on
7 the account, what is shown on the account statement.

8 A. It's showing Barbara Szulinski as the first
9 person on the record and Alusia Stuart as the second
10 person, along with the address, and the account
11 number. It also shows the current balance
12 information and payment history as well.

13 Q. And at this point in time what type of
14 service is Com Ed providing?

15 A. She has space heating, multiple space
16 heating rate at this moment.

17 Q. Do you know how long she's had that
18 particular designation of service?

19 A. I believe she had another account number
20 under her name before, but as of this activity
21 statement for the past two years.

22 Q. And let me show you what's been marked as

1 Com Ed Exhibit No. 7. Do you have that in front of
2 you?

3 A. Yes.

4 Q. Could you describe what that exhibit shows?

5 A. This shows the meter reading history for her
6 account from June 3rd of 2008 up through June 30,
7 2011. It shows where regular readings were taken,
8 where meter changes were made, as well as estimated
9 readings were done.

10 Q. And in that time period how many meter
11 changes were there?

12 A. One.

13 Q. And would it be fair to say that this
14 exhibit shows that the meter readings taken were by
15 in large regular readings of Ms. Stuart's electric
16 meter?

17 A. Yes.

18 Q. And those were progressive reads, were they
19 not?

20 A. Yes.

21 Q. Could you describe what is meant by the term
22 "progressive reads?"

1 A. Sure. On a month-to-month basis if it shows
2 a regular reading that was taken off of the meter,
3 the next reading should be higher than the one taken
4 before the last, and that's what's meant by
5 progressive reads.

6 So, for example, if you take from
7 November 2nd of '09 through December the 4th of '09
8 where it shows a regular reading of 57164, the next
9 regular reading that was taken was January 7th of
10 2010 of 59236, which gave a difference of the
11 kilowatt-usage, which means it was progressive. It
12 wouldn't go backwards.

13 Q. Looking back over kilowatt-hour usage over
14 that approximately three-year time frame, from
15 June 2008 to May or June of 2011, do you find that
16 the readings for month over month on this account
17 are roughly consistent?

18 A. That's correct. If you look from year to
19 year around the same time every year month to month,
20 the average is about the same.

21 Q. And let me show you now what's been marked
22 as Com Ed Exhibit No. 8. Do you have that in front

1 of you?

2 A. Yes.

3 Q. Could you describe what is shown on that
4 exhibit?

5 A. It shows Ms. Stuart had a previous account
6 here at the same address, and the account was opened
7 February the 1st of 1993, and it shows that it now
8 is a final account, which means she no longer has
9 this account number on record with us.

10 Q. Is that old account number shown on the
11 meter history?

12 A. On the meter reading history, Exhibit 7?

13 Q. Yes.

14 A. It shows the address, and her name, and the
15 meter reading history on Exhibit 7. If the meter
16 has not been changed, however, since, as Mr. Rumsey
17 said previously, then, this would be the same meter
18 that was there.

19 Q. If you look at the bill account column on
20 Exhibit 7, do you not see that there are two
21 different --

22 A. Yes.

1 Q. -- meters shown?

2 A. Yes, there's two different account numbers.

3 Now that I see it, yes.

4 Q. And the 32006 account also shows up on

5 Exhibit 7, does it not?

6 A. Yes.

7 Q. All right. And --

8 A. So that means --

9 Q. Now let's go back to the account history.

10 Is there a balance owed on this account?

11 A. Yes. That means that a debit transferred

12 from Mr. Stuart's account that ends in 32006 to the

13 current account that ends in 32015, and what that

14 means is that when she stopped services and the new

15 account was created under Barbara Szulinski's name,

16 and also her name, her balance transferred over to

17 the new account.

18 Q. And could you give us some idea as to what

19 the current balance is on Ms. Stuart's or

20 Ms. Szulinski's account is?

21 A. The current balance at the top shows \$60.54.

22 Q. And that is the current bill?

1 A. Yes.

2 Q. And is there a deferred payment agreement
3 amount owed?

4 A. Yes.

5 Q. What is that amount?

6 A. \$23 is that installment amount, and there's
7 an unbilled balance of \$92.02 remains.

8 Q. And that would mean that there's four
9 installments of approximately \$23 that is owed under
10 the deferred payment agreement?

11 A. Yes.

12 Q. Could you explain how the deferred payment
13 agreement arrangements are made, and particularly
14 with respect to looking at the account history here,
15 and how it all is relevant to this proceeding?

16 A. Yes. Deferred payment arrangements are made
17 in which a customer defers their total balance that
18 is at the time of electric service and it split up
19 into monthly installments anywhere between between
20 2 to 12 months.

21 Ms. Stuart went on a payment plan,
22 according to the activity statement, November 1st of

1 2010. She deferred her balance and agreed to pay it
2 off on monthly installments. At one point in time
3 it looked like she did default on the payment plan
4 when it shows January 31st in the charge amount.
5 That's where she defrauded. And what that means is
6 that the payment plan was not agreed to and kept.

7 Q. All right. But currently she's under a
8 second deferred payment agreement, is she not?

9 A. Once she made another payment on the
10 account, she reinstated on the payment plan.

11 Q. And looking at the account activity
12 statement, Ms. Dorsey, do you not see where
13 Ms. Stuart has received LIHEAP payments that have
14 been credited to her electric account?

15 A. Yes, I do show LIHEAP payments actually
16 beginning on the first page, June 16th of 2010, for
17 \$419. There was also another LIHEAP payment on the
18 second page on April the 26th of 2011 of \$419.

19 Q. Does it not show on first page of the
20 account activity statement that Ms. Stuart received
21 a residential special hardship payment?

22 A. Yes, of a thousand. It does show that as of

1 January -- July 2nd -- pardon me -- of 2010.

2 Q. Based upon everything that you have seen
3 here with respect to the account activity statement,
4 the readings taken and how they sort of match year
5 after year, as you have testified, and everything
6 else that you have seen with respect to the meter
7 tests and everything, Ms. Dorsey, do you believe
8 that any credit is due Ms. Stuart's account in this
9 matter?

10 A. No. Our records indicate that she has been
11 billed correctly.

12 MR. GOLDSTEIN: I have nothing else. I would
13 move into evidence Com Ed Exhibits 6, 7, and 8.

14 JUDGE KIMBREL: Ms. Stuart, do you have any
15 objections to the admission of Com Ed Exhibits --

16 MS. STUART: No. That's fine.

17 JUDGE KIMBREL: -- 6, 7, and 8?

18 MS. STUART: I don't see how it's relevant
19 though, because we are not -- when I made my own
20 case, I only started making issue with November
21 2009, July 2010, August 2010, October 2010, November
22 2010, and December 2010.

1 Exhibit 6, while including the dates I
2 mentioned, just goes far off the scope in so
3 many different directions. I really don't see the
4 purpose of Exhibit 6. What is counsel trying to
5 show with this exhibit?

6 MR. GOLDSTEIN: Well, at the very least, Judge,
7 it shows how consistent the bills have been over the
8 time period in question and extending prior to and
9 up to virtually this date, and it shows Ms. Stuart's
10 payment record, all that she has been given with
11 respect to LIHEAP payments and residential hardship
12 payments, and it accurately reflects her current
13 balance, and all other information, and the fact
14 that the account is currently held in both
15 Ms. Szulinski's and Ms. Stuart's names, they're
16 joint account holders, and it is, in short, chock
17 full of good information about her entire account,
18 and meter numbers, usage, just everything that you
19 want to see with respect to Ms. Stuart's account on
20 the Account History Activity Statement.

21 MS. STUART: I understand that, Judge, but --

22 MR. GOLDSTEIN: It's all relevant.

1 MS. STUART: -- what does any of this have to do
2 with the meter? We are here discussing a meter. We
3 are not here discussing anything else. A
4 residential special hardship, by the way, is for a
5 papilloma that was removed from my breast, So I
6 think I'm due that. What about you?

7 I think you are fishing in foreign
8 waters. I don't think this should be, you know, put
9 into an exhibit, and Ms. Kita Dorsey also said that
10 when there was a change in service there was a
11 previous balance. I could have just remained very
12 quiet and, you know, whatever. I really made sure
13 that that previous balance was brought onto the new
14 account. So, again, I'm not -- I think you are just
15 fishing in strange waters with this exhibit. It
16 doesn't show anything.

17 If you would like to see different
18 usage and if you would like to see different meters,
19 there are other exhibits that really target those
20 two points.

21 JUDGE KIMBREL: Are you objecting to Exhibits 7
22 and 8 as well?

1 MS. STUART: Exhibit 7 and 8, no, I am not
2 objecting to those. Exhibit 8 shows that I opened
3 my account in 1993. We are now in 2011. That's
4 just a long time of --

5 JUDGE KIMBREL: But you are not objecting to 7 or
6 8 -- Exhibit 7 or 8?

7 MS. STUART: No, I'm not.

8 JUDGE KIMBREL: I'm going to enter Com Ed
9 Exhibits 7 -- 6, 7, and 8 into the record. Exhibit
10 6 again is your account activity, and you had
11 pointed to payments that you thought you had made
12 when you referred to your Exhibit 2 I believe.

13 MS. STUART: Yes.

14 JUDGE KIMBREL: So --

15 MS. STUART: Exhibit 1, my Exhibit 1.

16 JUDGE KIMBREL: I think it's Exhibit 2.

17 MS. STUART: Yes, my Exhibit 2.

18 JUDGE KIMBREL: Anyway, I do find it relevant.
19 I'm going to ask the court reporter to enter Com Ed
20 Exhibits 6, 7, and 8 into the record. And we can
21 note Ms. Stuart objected to Com Ed Exhibit 6.

22

1 (Whereupon, Com Ed
2 Exhibit Nos. 6, 7 & 8
3 were received in
4 evidence.)
5 MS. STUART: Okay.
6 JUDGE KIMBREL: Do you have any questions for
7 Ms. Dorsey, Ms. Stuart?
8 MS. STUART: No. Actually I think I just
9 expressed my questions actually in my objection. I
10 mean, does this bill suggest to you that I'm trying
11 to skip out on the bill, that I'm trying to create a
12 situation that really isn't there? Are you getting
13 your money?
14 THE WITNESS: I don't understand your question.
15 MS. STUART: Well --
16 JUDGE KIMBREL: Ms. Stuart, are you going to ask
17 questions of the witness or --
18 MS. STUART: I guess I'm going to ask one
19 question.
20 JUDGE KIMBREL: Okay. Just ask your question.
21 MS. STUART: I don't -- there is no question
22 actually. No, I don't have a question. Thank you.

1 JUDGE KIMBREL: Okay. I don't have any questions
2 for Ms. Dorsey. Thank you.

3 THE WITNESS: Thank you.

4 MS. MORENO: Thank you, Ms. Dorsey.

5 JUDGE KIMBREL: At this point --

6 THE WITNESS: Thanks.

7 JUDGE KIMBREL: -- you both have the opportunity
8 to make a closing statement if you so choose.

9 Would you like to make a closing
10 statement?

11 MS. STUART: Yes.

12 JUDGE KIMBREL: Okay. Please do.

13 CLOSING STATEMENT

14 BY

15 MS. STUART:

16 My main purpose in taking this matter
17 forward is that there are some unanswered questions
18 regarding my electric service which the informal
19 process was unable to address.

20 When I asked my ICC informal person by
21 the name of Kevin why he couldn't answer so many of
22 my questions, the ICC representative said that my

1 concern was beyond his purview, that the informal
2 process is mainly geared towards the testing of the
3 functioning of equipment. Any questions beyond the
4 testing and functioning of equipment would have to
5 be presented at a formal hearing.

6 So, first of all, again, I live at
7 Harbor Point, which is at 155 North Harbor Drive.
8 There are 14 units per floor and there are 54
9 floors. Each floor has a Com Ed room which houses
10 an array of 14 meters, one for each unit. All of
11 the meters in the array on the 14 floors are what
12 look like originals. They were there when the
13 building was there in 197- -- when the building was
14 built in 1975, and you can just tell because of all
15 the layers of dust.

16 My meter, when I went to look at it
17 with the building engineer on August 15, 2010, a few
18 minutes before I placed my phone call to Kevin to
19 place my informal complaint, was new.

20 The building engineer and I decided to
21 do our own foreign load test. When we entered the
22 Com Ed meter room, the first thing we noticed was

1 that my meter was new. One out of 14 was new.

2 So the first question I had, and I
3 asked Mr. Koch this, and he was suppose to ask
4 Ms. Moreno, was when was my meter changed, and this,
5 of course, has been answered by Mr. Rumsey, August
6 18, 2004.

7 Question two I had, along with the
8 building engineer, why was it changed? Why one
9 meter out of 14 was changed? In other words, what
10 are the quality control points Com Ed uses to
11 determine the need.

12 MR. GOLDSTEIN: Judge, none of this was part of
13 the direct testimony of any of the witnesses in this
14 proceeding, and I object.

15 If Ms. Stuart wants to stick to what
16 was presented by her and what was presented by our
17 witnesses, that's perfectly fine, but going into all
18 these other points with respect to who did what,
19 when, and how, and she never ever testified that she
20 and the engineer performed a foreign load test.
21 This is all brand new, and, you know, she ought to
22 stick to what was presented as part of the testimony

1 in this proceeding as well as looking at the
2 exhibits.

3 JUDGE KIMBREL: Ms. Stuart, he's correct.

4 MS. STUART: Okay. And the third question we had
5 was why were other meters in the array not changed
6 but --

7 MR. GOLDSTEIN: Objection.

8 MS. STUART: -- moving along --

9 MR. GOLDSTEIN: Objection, again, Judge. It has
10 nothing at all --

11 JUDGE KIMBREL: Ms. Stuart, do you understand?

12 MS. STUART: Yes. Yes.

13 So the next point I think was entered
14 into evidence, because I discussed it. So the
15 second point after, you know, seeing, you know,
16 whatever, and since August 13, 2009, great care has
17 been made to reduce the amount of electricity
18 consumed.

19 If the unit is 758 square feet, and so
20 it's not like it's a two-bedroom apartment if you
21 turn off lights there, someone will suffer. I mean,
22 if you cut electric consumption, two people can live

1 very nicely in that space without feeling any
2 hardship. So great effort has been made to reduce
3 the amount of electricity consumed.

4 Again, there are two HVAC units in the
5 unit and both have been turned off at the breaker.
6 The dish washer breaker is only turned on when the
7 dish washer is in use. The oven breaker is turned
8 off completely. I should have mentioned, but I
9 forgot, the dish water -- I mean, the washing
10 machine breaker is also turned off completely. The
11 breaker for the hallway lights, the breaker for the
12 kitchen lights, and the breaker for electrical
13 outlets on one main wall are -- were also and still
14 are turned off completely, and so we watched what
15 the bill would do after August 13, 2009.

16 The October 2000 bill over the October
17 2008 bill is 13 percent higher, so the bills still
18 kept going higher even though all of these things
19 were done, you know, to really conserve energy, even
20 with much of the electricity coming into the home
21 has been turned off.

22 Similarly, the November 2009 bill over

1 the November 2008 bill is one percent higher. The
2 December 2009 bill over the December 2008 bill is
3 15 percent higher. So January 2010 bill over
4 January 2009 bill is 7 percent higher.

5 February, March, April, and May were
6 four months that showed the February through May
7 2010 bill over the February 2009 through May 2009
8 bill were lower. So one minute they're higher and
9 then the next minute they're lower, but the level of
10 usage hasn't changed. It's just becoming a very
11 erratic reading and erratic meter, then June 2009
12 over June 2010, the meter was 68 percent higher,
13 July of 2009 over July 2010, 76 percent higher.
14 September/October -- September 85 percent higher.
15 So, again, extremely erratic readings.

16 Mr. Rumsey said that the meter was at
17 99.24 on the low -- that's, you know, very, very
18 close to a hundred percent, so a meter that is
19 running slowly yet having increases, you know, as
20 high as 76 percent, it just doesn't make sense. It
21 really just doesn't.

22 You know, I can't see it and nothing in

1 the testimony has brought out -- has shed any light
2 why is this erratic behavior.

3 Then, finally, my third point after I
4 made my complaint a year after monitoring the meter,
5 August 15, 2010, the meter readings began to go down
6 on a more consistent level. My assumption is that I
7 did something by in starting the informal process
8 that all of a sudden completely different, you know,
9 readings started happening.

10 I can go in and start, you know, giving
11 you readings again one month over the next. I'll
12 just -- since it's so well written and it is
13 legible, I'll just hand them in as part of my brief
14 unless you would like me to read it. I'd be happy
15 to read it.

16 MS. MORENO: Read what?

17 MR. GOLDSTEIN: What is she going to read?

18 MS. STUART: My closing remarks.

19 JUDGE KIMBREL: Let's go off the record.

20 (Off the record.)

21 Let's go back on the record.

22 MS. STUART: So, finally, it is clear to me that

1 even though the meter was running slowly and,
2 according to both Fred, who was the Commonwealth
3 Edison person that called me January 25th with the
4 results of the bench test, and Mr. Koch, who is the
5 informal, you know, head guy, that the meter was
6 running a little slow, but within guidelines, and
7 so, therefore, a little slow, cannot account for
8 such dramatic swings.

9 Nothing in testimony has explained the
10 dramatic swings. Testimony has shown that people
11 come out and do their job.

12 Mr. Rumsey did mention that when the
13 field test was performed on the meter that, you
14 know, there may have been some reasons for the
15 discrepancy in readings, something, you know, I kind
16 of in a very left-footed way also tried to state.

17 So, in conclusion, I just would like to
18 say that if I had a bill that I could actually look
19 at, I'd be very happy to pay.

20 In reference to counsel's testimony,
21 you know, I received LIHEAP, it's out there for
22 people to use. You know, what has that got to do

1 with anything? I might suppose that counsel is just
2 trying to cast a negative shadow on me saying that
3 I'm less than, you know, a stellar person.

4 You know, my son died January --
5 February 14, 2005. I built one family business. I
6 went on to build my own family business. Then after
7 he died, I had a lot of problems. You know, maybe
8 if your son died, you wouldn't care. It affected me
9 greatly. Then when I started getting better, the
10 economy tanked. Well, thank goodness for LIHEAP,
11 and it's the first time a professional can use it,
12 so I'm not quite sure --

13 JUDGE KIMBREL: Ms. Stuart --

14 MS. STUART: -- why --

15 JUDGE KIMBREL: -- let's keep it --

16 MS. STUART: So, in conclusion, I'm not sure why
17 counsel is trying to show that I am less than a
18 stellar person.

19 I think that I paid the bills that are
20 presented. I never tried to skip out on a bill when
21 I think there was a time that I could have actually
22 done that, but I didn't.

1 And I'm simply asking to be supplied a
2 bill from a meter that I am comfortable works, and
3 that's really all there is to it. Supply me with a
4 bill that is accurate and I would be happy to pay
5 for it. The end. Thank you.

6 JUDGE KIMBREL: Counsel.

7 CLOSING ARGUMENT

8 BY

9 MR. GOLDSTEIN:

10 I guess the simple answer, Judge, is
11 that Com Ed has supplied bills that are accurate to
12 Ms. Stuart, whether it is from the meter that was
13 tested by Mr. McKinney and then tested at the shop
14 by Mr. Rumsey.

15 One must keep in mind that Com Ed does
16 not live in Ms. Stuart's unit. We do not know what
17 conservation efforts she has put in.

18 What we do know is that both the old
19 meter and the new meter tested within Illinois
20 Commerce Commission guidelines. We do know that all
21 of the readings -- virtually all of the readings for
22 over a three-year period were actual and

1 progressive. There was no foreign load on

2 Ms. Stuart's old meter or new meter.

3 In the final analysis, I guess she has

4 not shown any basis for any credit that could be

5 given to her account. Her account is what her

6 account is, and her complaint should be denied.

7 JUDGE KIMBREL: Okay. Thank you both. Do either

8 one of you have any intent on submitting a closing

9 brief or a draft order? It's not necessary, but you

10 may do that if you so choose.

11 MS. STUART: I would like to if handwritten is

12 okay.

13 JUDGE KIMBREL: A closing brief it would be

14 preferable if it was typed.

15 MS. STUART: Okay. Does it have to be today?

16 JUDGE KIMBREL: No. No, you have time to submit.

17 You basically will write a summary of the case and

18 your evidence and argue as to why you think your

19 case should be held in your favor and you will file

20 that with the Clerk's Office.

21 MS. STUART: And what is the time frame? Like a

22 day?

1 JUDGE KIMBREL: You can establish that today. A
2 couple of weeks? How much time would you like to
3 file a closing brief?

4 MS. STUART: Just, you know, like a couple of
5 hours?

6 JUDGE KIMBREL: No. No, you can --

7 MS. STUART: Can I e-mail? I'm completely
8 paperless. I really am. So I can Blue Tooth it or
9 how would you like it submitted? Do you want it
10 e-mailed or faxed?

11 MR. GOLDSTEIN: You can e-mail it to me.

12 JUDGE KIMBREL: Yes, you can e-mail.

13 MR. GOLDSTEIN: To me, the Judge, and to the
14 Chief Clerk of the Commission.

15 MS. STUART: Oh, I see. Sure. No problem. Do I
16 have your e-mail?

17 JUDGE KIMBREL: Yes. If you e-mail it to the
18 Commission's office, that will be sufficient.

19 MS. STUART: The Clerk's Office is the young lady
20 outside?

21 JUDGE KIMBREL: No. If you go on our website.

22 MS. STUART: Oh, sure. Okay.

1 JUDGE KIMBREL: And you want to file it on
2 e-docket or talk to the Clerk's Office about --
3 MS. STUART: Oh, yes. I have done that already.
4 I'll do that.
5 JUDGE KIMBREL: -- about filing.
6 MS. STUART: I called them already.
7 JUDGE KIMBREL: Do we want to say how much time?
8 Two weeks? This is not something you have to do
9 today.
10 MS. STUART: Today's like Tuesday. By Friday for
11 sure, it will be done.
12 MR. GOLDSTEIN: I would like two weeks after that
13 to respond.
14 JUDGE KIMBREL: So you can take more time. You
15 don't have to rush.
16 MS. STUART: No. You know, out of sight out of
17 mind.
18 JUDGE KIMBREL: Oh, okay.
19 MS. STUART: And is this your address?
20 MR. GOLDSTEIN: And my e-mail address also, yes.
21 MS. STUART: That's right. Sure. And you prefer
22 e-mail over fax?

1 MR. GOLDSTEIN: Yes.

2 MS. STUART: But you are on an AOL account. They
3 don't really do very well with PDF.

4 MR. GOLDSTEIN: I have PDF. And if it doesn't
5 come through --

6 MS. STUART: You'll also put it in the body of
7 the e-mail.

8 MR. GOLDSTEIN: -- I'll call you.

9 JUDGE KIMBREL: So Ms. Stuart will provide her
10 closing brief on or about this Friday, which will
11 be --

12 MS. STUART: January 3rd or something -- July
13 3rd.

14 JUDGE KIMBREL: Is that --

15 MS. STUART: Today's the 28th. 29th, 30th,
16 31st --

17 JUDGE KIMBREL: So July 1st.

18 MS. STUART: 1st, yes.

19 JUDGE KIMBREL: July 1st and counsel will
20 respond --

21 MR. GOLDSTEIN: July 15th.

22 JUDGE KIMBREL: -- July 15th.

1 MS. STUART: And just so I have got this right,
2 basically the closing brief is pretty much what I
3 have read with your exceptions noted?

4 JUDGE KIMBREL: You get to write a summary of
5 your case, the evidence and your arguments.

6 MS. STUART: Oke doke.

7 JUDGE KIMBREL: You can write, you know --

8 MS. STUART: But you would like me to exclude the
9 things that weren't, you know, admitted, like
10 conducting my own foreign load test and all of that
11 kind of stuff?

12 JUDGE KIMBREL: You want to stick to the evidence
13 that was admitted.

14 MS. STUART: Got it. Okay.

15 JUDGE KIMBREL: Is there anything else further,
16 Counsel?

17 MR. GOLDSTEIN: Pardon me?

18 JUDGE KIMBREL: Do you need a moment?

19 MR. GOLDSTEIN: No, I'm fine.

20 JUDGE KIMBREL: Is there anything further?

21 MR. GOLDSTEIN: I have nothing else.

22 JUDGE KIMBREL: Ms. Stuart, do you have anything

1 further?

2 MS. STUART: No, I don't. Thank you.

3 MR. GOLDSTEIN: We are going to provide copies of
4 Com Ed Exhibit No. 9.

5 JUDGE KIMBREL: Right. Okay. With that being
6 the case, I'll now mark this matter heard and taken.
7 Thank you both.

8 MS. STUART: Thank you.

9 MS. MERINO: Thank you.

10 JUDGE KIMBREL: And I thank the witnesses for
11 coming. I appreciate it.

12 HEARD AND TAKEN.

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